

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

| | | |
|---|---|--------------------------|
| MIHLFELD & ASSOCIATES, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION FILE |
| |) | NO. _____ |
| GLOCK, INC. |) | |
| |) | |
| Defendant. |) | |

NOTICE OF REMOVAL

COMES NOW Glock, Inc., Defendant in the above-styled civil action, and pursuant to 28 U.S.C. § 1446, files this, its Notice of Removal and respectfully shows to the Court the following:

1.

The Plaintiff filed suit against the Defendant in the Circuit Court of Greene County, which County is within the Southern Division of this Court. This suit is styled as above and numbered Civil Action File No. 104CC5570 in that Court.

2.

Plaintiff's Petition was filed on or about November 29, 2004, in the Circuit Court of Greene County. Defendant was served on or about February 3, 2005. Defendant shows that this Notice is filed within 30 days from the date of service on Defendant.

3.

As appears from the copy of Plaintiff's Petition, Plaintiff seeks recovery from Defendant for an amount in excess of \$75,000, exclusive of interest and costs.

4

This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a)(1) in that there is diversity of citizenship between the parties. Defendant Glock, Inc., is incorporated under the laws of the State of Georgia and has its principal place of business in Smyrna, Georgia. There exists diversity of citizenship between the parties inasmuch as the Plaintiff is not a citizen of the State of Georgia and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Accordingly, this Court would have original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) had this civil action been instituted in this forum and removal is appropriate under 28 U.S.C. § 1441(a).

5.

Defendant attaches hereto, as Exhibit A, a copy of all process, pleadings, and orders served upon Defendant in this referenced action.

6.

Defendant has given written notice of filing this Notice to Plaintiff by notifying Rodney H. Nichols, attorney of record for Plaintiff, a copy of which is attached hereto as Exhibit B. Defendant has filed a written notice with the Clerk of the Circuit Court of Greene County, a copy of which is attached hereto as Exhibit C.

7.

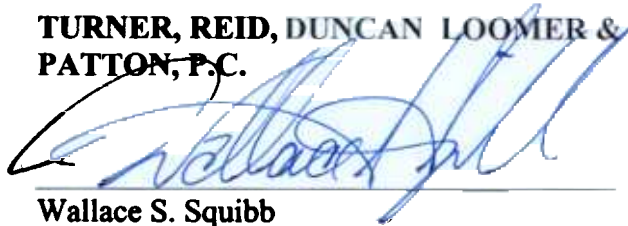
The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information and belief, formed after a reasonable inquiry, it is well grounded in fact; is warranted by existing law or an extension or modification of existing law; and is not interposed for any improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

WHEREFORE, Defendant Glock, Inc., respectfully requests that this Court assume full jurisdiction of the controversy now pending between the Plaintiff and Defendant in the Circuit Court of Greene County as provided by law.

This 1st day of March, 2005.

Respectfully submitted,

**TURNER, REID, DUNCAN LOOMER &
PATTON, P.C.**



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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing NOTICE OF REMOVAL upon all parties to this matter by depositing a true copy of same in the United States Mail, proper postage prepaid, addressed to counsel of record as follows:

Rodney H. Nichols
CARNAHAN, EVANS, CANTWELL & BROWN, P.C.
2805 S. Ingram Mill Road
P. O. Box 10009 G.S.S.
Springfield, Missouri 65804

this 1st day of March, 2005.


Wallace S. Squibb